

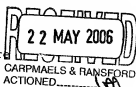
# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

CARPMAELS & RANSFORD  
Attn. Tunstall, C. S.  
43-45 Bloomsbury Square  
London WC1A 2RA  
UNITED KINGDOM



NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

23/05/2006

Applicant's or agent's file reference

P040404WC

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/GB2006/001017

International filing date  
(day/month/year)

21/03/2006

Applicant

CILAG AG INTERNATIONAL

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Fascimile No.: (41-22) 338.82.70

For more detailed Instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Vera Schertl

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P040404WO	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/GB2006/001017	International filing date (day/month/year) 21/03/2006	(Earliest) Priority Date (day/month/year) 06/04/2005
Applicant CILAG AG INTERNATIONAL		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (see Box No. III)

## 4. With regard to the title,

☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

## 5. With regard to the abstract,

☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

## 6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
 b. ☐ none of the figures is to be published with the abstract

## INTERNATIONAL SEARCH REPORT

International application No

PCT/GB2006/001017

A. CLASSIFICATION OF SUBJECT MATTER  
INV. A61M5/20 A61M5/32

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 389 938 A (BECTON DICKINSON AND COMPANY) 3 October 1990 (1990-10-03) abstract; figure 2	1-11
X	US 6 447 480 B1 (BRUNEL MARC) 10 September 2002 (2002-09-10) abstract; figures	1
Y		1,2
P,X	GB 2 414 400 A (* CILAG AG INTERNATIONAL) 30 November 2005 (2005-11-30) abstract; figure 4	1
A	US 2004/243065 A1 (MCCONNELL SUSAN ET AL) 2 December 2004 (2004-12-02) abstract; figure 1	2
	----- -/-	

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"S" document member of the same patent family

Date of the actual completion of the international search

11 May 2006

Date of mailing of the international search report

23/05/2006

Name and mailing address of the ISA/  
European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel: (+31-70) 340-2040, Tx: 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Ehrsam, F

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/GB2006/001017

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	✓ US 5 263 933 A (NOVACEK ET AL) 23 November 1993 (1993-11-23) abstract; figures 13,33 -----	2
Y	✓ FR 2 665 079 A (CONCEPTION FABR INNOVATIONS MECA) 31 January 1992 (1992-01-31) figure 1 -----	1,2
A	✓ GB 728 248 A (AUGUSTE ROOSEBOOM) 13 April 1955 (1955-04-13) abstract; figures 4,5 -----	2
A	✓ US 5 647 845 A (HABER ET AL) 15 July 1997 (1997-07-15) abstract; figures 2A,2B -----	7

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/GB2006/001017

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0389938	A	03-10-1990	AT 106019 T	15-06-1994
			AU 619154 B2	16-01-1992
			AU 5223090 A	04-10-1990
			BR 9001422 A	09-04-1991
			CA 2012587 A1	30-09-1990
			DE 69009092 D1	30-06-1994
			DE 69009092 T2	01-09-1994
			DK 389938 T3	03-10-1994
			ES 2053002 T3	16-07-1994
			FI 101265 B1	29-05-1998
			JP 1752884 C	23-04-1993
			JP 2283376 A	20-11-1990
			JP 4033236 B	02-06-1992
			KR 9200465 B1	14-01-1992
			MX 171948 B	24-11-1993
			NO 901433 A	01-10-1990
			NZ 232968 A	28-04-1992
			US 4929232 A	29-05-1990
			ZA 9002209 A	30-01-1991
US 6447480	B1	10-09-2002	AT 282449 T	15-12-2004
			AU 5869299 A	26-04-2000
			BR 9914126 A	19-06-2001
			CA 2345649 A1	13-04-2000
			CN 1320053 A	31-10-2001
			DE 69922034 D1	23-12-2004
			DE 69922034 T2	08-12-2005
			EP 1117454 A1	25-07-2001
			ES 2234294 T3	16-06-2005
			FR 2784033 A1	07-04-2000
			WO 0020059 A1	13-04-2000
			JP 2002526175 T	20-08-2002
			MX PA01003191 A	02-07-2002
			PT 1117454 T	29-04-2005
GB 2414400	A	30-11-2005	WO 2005115508 A1	08-12-2005
US 2004243065	A1	02-12-2004	NONE	
US 5263933	A	23-11-1993	US 5415638 A	16-05-1995
			US 5360404 A	01-11-1994
FR 2665079	A	31-01-1992	NONE	
GB 728248	A	13-04-1955	DE 902776 C	
			FR 1078911 A	24-11-1954
US 5647845	A	15-07-1997	NONE	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2006/001017

International filing date (day/month/year)  
21.03.2006

Priority date (day/month/year)  
06.04.2005

International Patent Classification (IPC) or both national classification and IPC  
INV. A61M5/20 A61M5/32

Applicant  
CILAG AG INTERNATIONAL

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
D-80295 Munich  
Tel.: +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Ehrsam, F

Telephone No. +49 89 2399-2343



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2006/001017

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2006/001017

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 12

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for the whole application or for said claims Nos. 12

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2006/001017

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VI Certain documents cited**

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1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

**see form 210**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

- 1 Reference is made to the following document:

D1: EP-A-0 389 938 (BECTON DICKINSON AND COMPANY) 3 October 1990 (1990-10-03)  
D2: US-B1-6 447 480 (BRUNEL MARC) 10 September 2002 (2002-09-10)  
D3: GB-A-2 414 400 (CILAG AG INTERNATIONAL) 30 November 2005 (2005-11-30)  
D4: US 2004/243065 A1 (MCCONNELL SUSAN ET AL) 2 December 2004 (2004-12-02)  
D5: US-A-5 263 933 (NOVACEK ET AL) 23 November 1993 (1993-11-23)  
D6: FR-A-2 665 079 (CONCEPTION FABR INNOVATIONS MECA) 31 January 1992 (1992-01-31)  
D7: GB 728 248 A (AUGUSTE ROOSEBOOM) 13 April 1955 (1955-04-13)  
D8: US-A-5 647 845 (HABER ET AL) 15 July 1997 (1997-07-15)

2. The present application does not meet the requirements of Article 33 (2) PCT, because the subject-matter of claims 1-11 is not new in the sense of Article 33 (2) PCT. Indeed, document D1 discloses all the features of claims 1-11, in particular figures 1 to 9 show an injection device (20) where a cover (32) is maintained in place by a cap (40). To be able to uncover the needle (29), the cap has to be twisted off before the boot can be taken off and only then the device can be used. The same objection applies to document D2 and document D3 which is considered to be an intermediate document.
3. It is noted that The feature of claims 2 and 7 are also well-known and already used in documents D4, figure 1, D5, figures 13 and 33, D6, figure 1 and D7, figures 4 and 5. The same objection applies to claim 7 which is already known from document D8, figure 2A and 2B.

**Re Item III.**

Document D3 is considerate to be an intermediate document and can therefore only

be considered for novelty..

**Re Item VII.**

1. The description must be brought into conformity with the new claims to be filed; care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Art. 34 2) b)).
2. To meet the requirements of Rules 6 3 b) the independent claim should be properly cast in a two part form, with those features which in combination are part of the nearest prior art being placed in the first part.
3. To meet the requirements of Rule 5.1 a vi, the cited documents should be identified in the description and the relevant background art therein is to be indicated.
4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

**Re Item VIII.**

1. Since claim 12 refers to the different figures, no clear search could be executed and therefore claim 12 lacks clarity.